



Atty. Dkt. No. 036163-0103

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michel H. Malek  
Title: SPINE STABILIZATION  
SYSTEMS  
Appl. No.: 10/722,119  
Filing Date: 11/25/2003  
Examiner: David C. Comstock  
Art Unit: 3733  
Confirmation 4839  
Number:

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
Michelle Manning	
(Printed Name)	
(Signature)	
June 12, 2006	
(Date of Deposit)	

**PRELIMINARY AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a preliminary amendment in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ X ] The fee required for additional claims is calculated below:

	Claims				Extra					Additional
	As	Previously			Claims					
	Amended	Paid For			Present		Rate			Claims Fee
Total Claims:	44	-	40	=	4	x	\$50.00	=		\$200.00
Independent Claims:	5	-	5	=	0	x	\$200.00	=		\$0.00

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First presentation of any Multiple Dependent Claims: + \$360.00 = \$0.00

CLAIMS FEE TOTAL = \$200.00

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☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$200.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$100.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$100.00

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Please charge Deposit Account No. 50-2350 in the amount of \$100.00. A duplicate copy of this transmittal is enclosed.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 12, 2006

FOLEY & LARDNER LLP  
 Customer Number: 23524  
 Telephone: (608) 258-4305  
 Facsimile: (608) 258-4258

By 

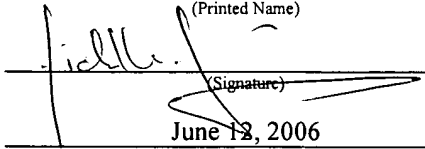
Michelle Manning  
 Attorney for Applicant  
 Registration No. 50,592



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Michelle Manning	
(Printed Name)	
	
(Signature)	
June 13, 2006	
(Date of Deposit)	

**PRELIMINARY AMENDMENT UNDER 37 CFR 1.115**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Prior to examination of the present Application, Applicant respectfully requests that the application be amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 10 of this document.

Please amend the application as follows: